

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 1:09CR082-P-D

FELIPE GUERRO-RIVAS,

DEFENDANT.

ORDER CONTINUING TRIAL

This matter comes before the court upon Defendant's Motion to Continue Trial [20]. After due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for September 21, 2009. Defense counsel requests a continuance to afford more time to complete inspection of newly acquired discovery material and to engage in plea negotiations. The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(7)(A), the period of delay from September 21, 2009 until the new trial date to be set in this matter. The time is excludable under subsection (h)(7)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for her client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) Defendant's Motion to Continue Trial [20] is **GRANTED**;
- (2) Trial of this matter is continued until Monday, November 2, 2009 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;
- (3) The delay from September 21, 2009 to November 2, 2009 is excluded from Speedy Trial

Act considerations as set out above;

- (4) The deadline for filing pretrial motions is October 13, 2009; and
- (5) The deadline for submitting a plea agreement is October 19, 2009.

SO ORDERED this the 14th day of September, A.D., 2009.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE